

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

TOM FORESE – Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD W. DUNN

Arizona Corporation Commission

DOCKETED

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IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR A  
HEARING TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE COMPANY  
FOR RATEMAKING PURPOSES, TO FIX A JUST  
AND REASONABLE RATE OF RETURN  
THEREON, TO APPROVE RATE SCHEDULES  
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND PURCHASED  
POWER PROCUREMENT AUDITS FOR ARIZONA  
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

**PROCEDURAL ORDER**

Sets Phoenix Public Comment for March  
22, 2017, and Clarifies that Pre-Hearing  
Conference Attendance is Mandatory for  
Parties Who Wish to Participate in the  
Hearing

**BY THE COMMISSION:**

On June 1, 2016, Arizona Public Service Company (“APS” or “Company”) filed with the  
Arizona Corporation Commission (“Commission”) the above-captioned Rate Case Application.

Parties to this docket are APS, the Commission’s Utilities Division (“Staff”), Richard Gayer;  
Patricia Ferré; Warren Woodward; IO Data Centers, LLC (“IO”); Freeport Minerals Corporation  
 (“Freeport”); Arizonans for Electric Choice and Competition (“AECC”); Sun City Home Owners  
 Association (“Sun City HOA”); Western Resource Advocates (“WRA”); Arizona Investment Council  
 (“AIC”); Arizona Utility Ratepayer Alliance (“AURA”); Property Owners and Residents Association,  
 Sun City West (“PORA”); Arizona Solar Energy Industries Association (“AriSEIA”); Arizona School  
 Boards Association (“ASBA”) and Arizona Association of School Business Officials (“AASBO”)  
 (collectively “ASBA/AASBO”); Cynthia Zwick; Arizona Community Action Association (“ACAA”);  
 Southwest Energy Efficiency Project (“SWEEP”); the Residential Utility Consumer Office (“RUCO”);  
 Vote Solar; Electrical District Number Eight and McMullen Valley Water Conservation & Drainage

1 District (collectively, "ED8/McMullen"); The Kroger Co. ("Kroger"); Tucson Electric Power  
2 Company ("TEP"); Pima County; Solar Energy Industries Association ("SEIA"); the Energy Freedom  
3 Coalition of America ("EFCA"); Wal-Mart Stores, Inc. and Sam's West, Inc. (collectively,  
4 "Walmart"); Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-  
5 CIO (collectively, "the IBEW Locals"); Noble Americas Energy Solutions LLC ("Noble Solutions");  
6 the Arizona Competitive Power Alliance ("the Alliance"); Electrical District Number Six, Pinal  
7 County, Arizona ("ED 6"), Electrical District Number Seven of the County of Maricopa, State of  
8 Arizona ("ED7"), Aguila Irrigation District ("AID"), Tonopah Irrigation District ("TID"), Harquahala  
9 Valley Power District ("HVPD"), and Maricopa County Municipal Water Conservation District  
10 Number One ("MWD") (collectively, "Districts"); the Federal Executive Agencies ("FEA");  
11 Constellation New Energy, Inc. ("CNE"); Direct Energy, Inc. ("Direct Energy"); AARP; the City of  
12 Coolidge ("Coolidge"); REP America d/b/a ConservAmerica ("ConservAmerica"); and Granite Creek  
13 Power & Gas and Granite Creek Farms LLC (collectively, "Granite Creek").

14 On June 14, 2016, APS filed a Notice of Errata.

15 On June 23, 2016, APS filed its Second Notice of Errata.

16 On July 22, 2016, a Rate Case Procedural Order was issued setting the procedural schedule and  
17 associated procedural deadlines for this matter, granting several interventions, and granting several  
18 requests to receive service by email.

19 On August 1, 2016, a Procedural Order was issued granting Staff's request to consolidate the  
20 above-captioned dockets,<sup>1</sup> correcting typographical errors in the July 22, 2016 Rate Case Procedural  
21 Order, granting interventions, and granting requests to receive service by email.

22 On August 9, 2016, a Procedural Order was issued granting certain interventions, approving  
23 certain requests for service by email, and modifying the form of notice required by the July 22, 2016  
24 Rate Case Procedural Order.

25 On July 21, 2016, August 24, 2016, September 30, 2016, November 4, 2016, November 18,  
26 2016, and November 21, 2016, APS filed copies of presentations from their Rate Case Technical  
27

28 <sup>1</sup> Docket No. E-01345A-16-0123 was opened on April 11, 2016.

1 Conferences.

2 On September 13, 2016, APS filed its certification that public notice of this proceeding was  
3 provided as directed in the Rate Case Procedural Order issued July 22, 2016, as modified by the  
4 Procedural Order issued August 9, 2016.

5 On October 14, 2016, a Procedural Order was issued granting APS's October 6, 2016 Motion  
6 for Procedural Conference and Interim Protective Order, which it filed in response to EFCA's October  
7 3, 2016 Notice of Deposition of Barbara D. Lockwood.

8 On October 20, 2016, a procedural conference was held as scheduled by the Procedural Order  
9 issued October 14, 2016. APS, EFCA, TEP, Walmart, Freeport Minerals, AECC, Noble Solutions,  
10 CNE, Direct Energy, PORA, the Alliance, RUCO, and Staff appeared at the procedural conference  
11 through counsel or lay representative. During the procedural conference, APS, Noble Solutions, CNE,  
12 Direct Energy, EFCA, and Staff provided comments and arguments regarding discovery issues, and  
13 the matter was taken under advisement.

14 On October 21, 2016, a Procedural Order was issued rescheduling the date of the pre-hearing  
15 conference in this matter to March 13, 2017.

16 On November 17, 2016, a Procedural Order was issued setting procedural deadlines regarding  
17 the deposition of APS witness Barbara Lockwood.

18 On November 30, 2016, EFCA filed a Notice of Deposition of Barbara D. Lockwood. The  
19 Notice indicated that EFCA and APS settled upon December 15, 2016, at 9:00 a.m. as the date and  
20 time of the deposition.

21 On December 5, 2016, EFCA made three filings in regard to its Emergency Motion to Compel  
22 Production of Barbara Lockwood Calendar in Advance of Lockwood Deposition.

23 On December 7, 2016, APS filed its Response in Opposition to EFCA's Motion to Compel.

24 On December 7, 2016, APS filed its Motion to Compel.

25 On December 7, 2016, Mr. Gayer filed his Direct Testimony.

26 On December 12, 2016, EFCA filed a Reply in Support of its Motion to Compel.

27 On December 12, 2016, EFCA filed its Emergency Motion to Compel Production of Report  
28 Regarding Rate Impact.

1 On December 13, 2016, by Procedural Order, EFCA's Motion to Compel Production of Barbara  
2 Lockwood's Calendar was denied and EFCA was ordered to file, no later than December 16, 2016, its  
3 Response to Arizona Public Service Company's December 7, 2016 Motion to Compel.

4 On December 13, 2016, EFCA filed a Notice of Withdrawal of its Emergency Motion to  
5 Compel Production of Report Regarding Rate Impact.

6 On December 14, 2016, Sunrun, Inc. filed a Notice of Withdrawal as Intervenor.

7 On December 14, 2016, Patricia Lee Refo of Snell & Wilmer LLP filed a Notice of Appearance  
8 on behalf of APS.

9 On December 19, 2016, EFCA filed its Response to the Motion to Compel filed by APS.

10 On December 19, 2016, Staff filed a Request for Extension of Filing Deadline.

11 On December 20, 2016, the IBEW Locals filed the Direct Testimony of G. David Vandever.

12 On December 21, 2016, the FEA filed the Direct Testimony of its witnesses Brian C. Andrews  
13 and Michael P. Gorman.

14 On December 21, 2016, Mr. Woodward filed his Direct Testimony.

15 On December 21, 2016, a Procedural Order was issued extending the deadline for the filing of  
16 Intervenor Direct Testimony to December 28, 2016, approving the request of Sunrun, Inc. to withdraw  
17 as an intervenor, and approving SEIA's consent to email service request.

18 On December 22, 2016, ConservAmerica filed the Direct Testimony of its witness Paul Walker.

19 On December 22, 2016, RUCO filed the Direct Testimony of its witnesses John Cassidy and  
20 Frank Radigan.

21 On December 27, 2016, Mr. Woodward filed his Motion to Compel.

22 On December 27, 2016, APS filed its Reply to EFCA's Response to APS's Motion to Compel.

23 On December 27, 2016, CNE and Direct Energy each filed a Consent to Email Service.

24 On December 28, 2016, AIC filed the Direct Testimony of its witness Branko Terzik.

25 On December 28, 2016, ED8/McMullen filed the Direct Testimony of their witness James D.  
26 Downing.

27 On December 28, 2016, AECC filed the Direct Testimony of its witness Kevin Higgins.

28 On December 28, 2016, Wal-Mart filed the Direct Testimony of its witness Gregory W.

1 Tillman.

2 On December 28, 2016, SWEEP filed the Direct Testimony of its witness Jeff Schlegel.

3 On December 28, 2016, EFCA filed the Direct Testimony of its witness Mark E. Garrett.

4 On December 28, 2016, Staff filed the Direct Testimony of its witnesses Ralph Smith, David  
5 Parcell, Michael Lewis, and Candrea Allen.

6 On December 29, 2016, APS filed its Notice of Intent of Revenue Requirement Settlement  
7 Discussions.

8 On December 30, 2016, APS filed its Notice of Filing Supplemental Testimony, to which was  
9 attached the Supplemental Direct Testimonies of Jeffrey M. Burke and Charles A. Miessner, which  
10 address APS's proposed valuation of distributed generation exports using the Resource Comparison  
11 Proxy ("RCP") Methodology.

12 On December 30, 2016, EFCA filed its Sur-Response to APS's Motion to Compel; Motion to  
13 Strike Reply Brief; and Notice of Lodging Sur-Response.

14 On December 30, 2016, EFCA filed its Notice of Deposition of Charles A. Miessner.

15 On December 30, 2016, EFCA filed its Notice of Deposition of Leland R. Snook.

16 On December 30, 2016, APS filed its Response to Mr. Woodward's Motion to Compel.

17 On January 3, 2017, Mr. Woodward filed his Reply to APS's Response to his Motion to  
18 Compel.

19 On January 4, 2017, APS filed its Response to EFCA's Motion to Strike Reply Brief and Notice  
20 of Lodging Sur-Response.

21 On January 5, 2017, APS filed a Motion for Protective Order.

22 On January 6, 2017, EFCA filed its Response to APS's Motion for Protective Order.

23 On January 6, 2017, EFCA filed its Emergency Motion for Expedited Consideration Regarding  
24 EFCA's Response to APS's Motion for Protective Order.

25 On January 6, 2017, EFCA filed its Amended Notice of Deposition of Leland R. Snook.

26 On January 6, 2017, Staff filed its Notice of Time and Location for Settlement Discussions.

27 On January 9, 2017, Vote Solar filed its Expedited Motion to Strike and for Procedural Order.

28 On January 9, 2017, a Procedural Order was issued setting a procedural conference for the dual



1 purpose of addressing the issue of incorporating the RCP Methodology into this proceeding, as directed  
2 by Decision No. 75859 (January 3, 2017); and for hearing oral argument on APS's Motion for  
3 Protective Order, and on responsive pleadings.

4 On January 10, 2017, Mr. Gayer docketed a supplement to his Direct Testimony.

5 On January 11, 2017, the procedural conference convened as scheduled. Appearances were  
6 entered by counsel for APS, AIC, ASDA, Vote Solar, SEIA, EFCA, IO, the Alliance, the FEA,  
7 ED8/McMullen, PORA, RUCO, and Staff.

8 On January 13, 2017, a Procedural Order was issued rescheduling the hearing date in this  
9 matter, along with associated procedural deadlines, in order to facilitate the incorporation of the RCP  
10 Methodology into this proceeding pursuant to Decision No. 75859; denying Vote Solar's Motion to  
11 Strike; and Granting APS's Motion for Protective Order in regard to EFCA's Notices of Deposition of  
12 APS witnesses Leland R. Snook and Charles A. Miessner.

13 On January 13, 2017, EFCA filed its Amended Notice of Deposition of Charles A. Miessner.

14 On January 13, 2017, EFCA filed its second Amended Notice of Deposition of Leland R.  
15 Snook.

16 Numerous public comments have been filed.

17 March 22, 2017 Public Comment

18 The January 13, 2017 Procedural Order that rescheduled the hearing in this matter failed to  
19 indicate that the publicly noticed March 22, 2017 hearing date in this matter will be reserved for the  
20 purpose of taking public comment. This Procedural Order is issued for the purpose of clarifying that  
21 the public comment scheduled for the first day of the hearing in this matter will be taken commencing  
22 at 10:00 a.m. on March 22, 2017, as publicly noticed.

23 Motions to Compel

24 The pending Motions to Compel filed by APS and Mr. Woodward, and the related responsive  
25 pleadings, will be considered in a subsequent Procedural Order.

26 IT IS THEREFORE ORDERED that the **hearing** in this matter has been **rescheduled to begin**  
27 **on April 24, 2017, commencing at 10:00 a.m.**, at the Commission's offices, 1200 West Washington  
28 Street, Hearing Room No. 1, Phoenix, Arizona 85007. **The evidentiary portion of the hearing will**

1 **commence at 10:00 a.m.**


2 IT IS FURTHER ORDERED that **public comment in this matter will be taken commencing**  
3 **at 10:00 a.m. on March 22, 2017, as has been publicly noticed,** at the Commission's offices, 1200  
4 West Washington Street, Hearing Room No. 1, Phoenix, Arizona 85007.

5 IT IS FURTHER ORDERED that the **pre-hearing conference** in this matter will commence  
6 **at 2:00 p.m. on April 20, 2017,** at the Commission's offices, 1200 West Washington Street, Hearing  
7 Room No. 1, Phoenix, Arizona 85007. **All parties who wish to participate in the evidentiary**  
8 **proceeding are required to attend the pre-hearing conference, in order to discuss scheduling**  
9 **matters associated with the hearing.**

10 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Rate Case**  
11 **Procedural Order** issued in this matter on **July 22, 2016,** for additional information regarding the  
12 process to consent to service by email. Information regarding Consent to Email Service is also  
13 available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on "Email Service Consent."

14 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or  
15 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
16 hearing.

17 DATED this 18<sup>th</sup> day of January, 2017.

18  
19   
20 TEENA NBILIAN  
21 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE  
22  
23  
24  
25  
26  
27  
28

On this 18<sup>th</sup> day of January, 2017, the foregoing document was filed with Docket Control as a Procedural Order – Sets a Public Comment Meeting, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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